

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RESEARCH IN MOTION LIMITED

E-filing

SUMMONS IN A CIVIL CASE

V.

VISTO CORPORATION

CASE NUMBER:

C 07

3177

EDL

TO: (Name and address of defendant)

VISTO CORPORATION
c/o Stephen Anderson
275 Shoreline Drive, Suite 300
Redwood Shores, CA 94065

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Robert G. Krupka, P.C. (Bar No. 196625)
Marc H. Cohen (Bar No. 168773)
Philip T. Chen (Bar No. 211777)
KIRKLAND & ELLIS LLP
777 South Figueroa Street
Los Angeles, California 90017

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking
CLERK

DATE JUN 15 2007

MARY ANN BUCKLEY

(BY) DEPUTY CLERK

NDCAO440

ROBERT G. KRUPKA (BAR NO. 196625) MARC H. COHEN (BAR NO. 168773) PHILIP T. CHEN (BAR NO. 211777) KIRKLAND & ELLIS LLP 777 SOUTH FIGUEROA STREET LOS ANGELES, CALIFORNIA 90017 (213) 680-8400 Attorneys for: PLAINTIFF Ref.: 737793 WV		
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION		
RESEARCH IN MOTION LIMITED <div style="text-align: right;">Plaintiff (s)</div>	CASE NUMBER: C 07 3177 EDL	
<div style="text-align: center;">v.</div> VISTO CORPORATION <div style="text-align: right;">Defendant (s)</div>	<div style="text-align: center;"> PROOF OF SERVICE SUMMONS AND COMPLAINT (Use separate proof of service for each person/party served) </div>	

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint ☐ second amended complaint ☐ third amended complaint
 - ☒ other (specify): **CIVIL COVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDER RE CASE MANAGEMENT CONFERENCE; NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE JUDGE FOR TRIAL; ECF REGISTRATION INFORMATION HANDOUT; REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK**
2. Person served:
 - a. ☒ Defendant (name): **VISTO CORPORATION c/o STEPHEN ANDERSON**
 - b. ☒ Other (specify name and title or relationship to the party/business named): **CHRIS DE CARLO, GENERAL COUNSEL, AUTHORIZED TO ACCEPT SERVICE OF PROCESS**
 - c. ☒ Address Where papers were served: **101 SHORELINE DRIVE, SUITE 400, REDWOOD SHORES, CALIFORNIA 94065**
3. Manner of service in compliance with (the appropriate box **must** be checked):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. I served the person named in item 2:
 - a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least (12) years of age.
 1. ☒ Papers were served on (date): JUNE 18, 2007 at (time): 11:11 A.M.
 - b. ☐ By **Substituted service**. By leaving copies:
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☐ (business) or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☐ Papers were served on (date): _____ at (time): _____
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in item 2(b) at the place where the copies were left in Item 2(c).

5. ☐ papers were mailed on (date): _____

6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage pre-paid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P.4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment of by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, a mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of state requires a court order. (**Attach a copy of the order to this proof of service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):

5. **Service upon the United States, and Its Agencies, Corporations or Officers.**

- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
Name of person served:
Title of person served:
Date and time of service: (date): _____ at (time): _____
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attached signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

**TIMOTHY P. KINNEY
WORLDWIDE NETWORK, INC.
350 S. FIGUEROA STREET, SUITE 299
LOS ANGELES, CA 90071
(213) 620-9400**

a. Fee for service: \$

- b. ☐ Not a Registered California Process Server
- c. ☐ Exempt from registration under B&P 2235(b)
- d. ☒ Registered California Process Server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: JUNE 18, 2007

(Signature)